

## SELECTBOARD MEETING

### *Approved Minutes*

January 14, 2013

7:00pm Calais Town Office

**Attending:** Denise Wheeler, John Brabant, Scott Bassage, Toby Talbot, Mike Garand, Donna Fitch, Rolf Mueller, John McCullough, Alfred Larrabee, Dot Naylor, Will Walters, Jack Russell, Gary Root, Richard Quelch, Anne Winchester, Marialisa Calta, Richard Bidnick, Chris Cochran, Rick DeWolfe, Ann Ward, Stephen Morse, Paul Cerutti and Rose Pelchuck.

### **Actions:**

Approval of December 10<sup>th</sup> Meeting Minutes – Toby Talbot made a motion to approve the Minutes as written. The motion was seconded, voted on and carried 5-0.

Approval of the December 17<sup>th</sup> Joint Meeting Minutes – Toby Talbot made a motion to approve the Minutes as written. The motion was seconded, voted on and carried 5-0.

Approval of the January 7<sup>th</sup> Meeting Minutes - Toby Talbot made a motion to approve the Minutes as written. The motion was seconded, voted on and carried 5-0.

Public Comment – Town Clerk, Donna Fitch, went to a meeting about the healthcare exchange, which she found very informative. The purpose was to get the BCBS clientele up to speed with the changes in healthcare. Donna will email the dates for other informational meetings to the Selectboard. Donna said the Selectboard would have to budget for the cost.

Tax Mapping – Donna Fitch noted that we need to think about what we are doing then figure out how much it will cost.

## **CONTINUED PUBLIC HEARING ON THE PROPOSED CHANGES TO ZONING REGULATIONS**

At 7:10pm, Denise Wheeler opened the continued public hearing on the Proposed Changes to the Zoning Regulations as duly warned. Denise asked if any members of the Selectboard had any comments; hearing none, the public comments with Planning Commission responses were as follows:

*Dot Naylor* – noted three things with regards to the proposed changes. Firstly, there would be unintended consequences of Wildlife Overlay District. There is no specific way to know where the boundary lines are; if you don't have a specific line, you are going to be in Environmental Court. Dot cited a case she worked on as Zoning Administrator that went to E Court for a dispute in the Upland District. Secondly, the value of all the properties in the Wildlife Overlay District can be diminished in value causing a net result reduction in tax revenue. Thirdly, admittedly far fetched but possible, Dot said somebody like Jeff Davis can come and buy development rights and in the mean time that person in effect can control where development takes place in town. Overall, Dot said these are not good changes; expose the town to litigation with a lot of money going to E Court that would be a messy thing.

*Rose Pelchuck* – added comments not in favor of the proposed changes to zoning.

*Jack Russell*, Planning Commission Chair, stated the Core Forest Habitat will be removed, change from state maps to town maps and by the end of the week will have a link to the present overlay districts and the new overlay districts will be there, too (on the website). The ANR map will be incorporated by reference to become a town map. Jack Russell noted they would change the wildlife biologist language to the same as used during the ACT 250 process. Jack will be open to take out the frontage requirement in the newly proposed Wildlife Overlay District.

*Denise Wheeler* – This is a significant change.

*Jack Russell* said he doesn't think it's a significant change. Jack said the Planning Commission would not be able to get to revising this for two years. They have been working on it for five years, got a grant to hire a professional planner, had endless hours of looking at this and have compared what other towns have done throughout the state. Zoning is no longer for the common person; it is for the professionals, noting a significant difference from 10

years ago. The Planning Commission is writing a guideline for coaches that can work with someone to navigate the system; it's a fact. When we run our zoning by professionals, it is a good zoning document. The move is towards smart development.

*Denise Wheeler* – It is very complicated; the Town Plan should be the vision and the zoning should follow the plan.

*Jack Russell* – There is a movement going this way.

*Toby Talbot* – inquired how soon could we see these changes? Jack responded, "less than 24 hours".

*Jack Russell* said it is making it easier to develop one's land, from 300 to 500 foot frontage.

*Mike Garand* – it is a drastic change, he would like to see the changes.

*Scott Bassage* – reported he was on the Planning Commission when the Upland Overlay District (above 1500 feet) came into being. It can be measured and you know when you are there, whereas using the State Fish & Wildlife Department map and bear habitat maps, you just don't know. Scott said he cannot get behind using the maps, he wants science behind it. Everyone has deer and it's not a top priority that is why I'm against this plan.

*Jack Russell* – said the Conservation Commission can't find the money to do the (wildlife) inventories. Jack said it would take 5 to 10 years if you want to wait for the science (data).

*Scott Bassage* reiterated, it's not a top priority in town (deer).

*John Brabant* – has been an environmental regulator for 24 years, used to having a standard of references and in this case, they are state habitat delineation maps. John said what was drilled into his head is that you cannot reference something in constant motion; the data set changes thus changing the zoning regs without public process. John was told not to do that. In terms of direction, John really appreciates the Planning Commission focusing on these issues. It is a major policy shift and it doesn't get us where we want to be. One gets less protection by going to the DRB that may be an unintended consequence. John spoke about the ACT 250 process of hiring different experts, one for the developer; another for opposition and ANR will come in and offer their opinion on behalf of the State. We need to give a lot of thought to the process; on paper, it looks one way but we need a lot of discussion before this gets done. Since the last meeting, there are substantive changes, which we need to have the public go look at this. John summarized by saying he cannot in good conscience approve this.

*Jack Russell* - noted we (Planning Commission) are maxed out, there is no slack time; not going to bang our heads against the wall; there is no funding to get to the scientific part.

*Rich Quelch* - said the Conservation Commission worked with the Planning Commission on the proposed changes. The whole process is to conserve resources.

*Denise Wheeler* – noted the Planning Commission worked tirelessly and appreciates the work done; the Selectboard will be looking at getting additional help.

*Jack Russell* said the Selectboard would need to form another group to work on proposed changes to zoning.

*Denise Wheeler* - reported the Selectboard will need to hold another public hearing after the changes are made to this document.

*Jack Russell* - I cannot ask them (Planning Commission) to do more and asked for those in positions to engage sooner. If you want to have a public hearing, give us the hearing date and we'll work backwards.

*Denise Wheeler* said it is not easy to come to this conclusion.

*John Brabant* asked to have the Planning Commission make the substantive changes to the document before it comes back to the Selectboard. Jack Russell needs clear direction to the Planning Commission. John Brabant made a motion to disapprove the Proposed Changes to the Zoning Regulations as presented by the Planning Commission. The motion was seconded voted and carried 5-0. This concluded the public hearing.

Central Vermont Humane Society -Ann Ward, CVHS, met with the Selectboard to address concerns and answer questions prior to renewing the town's contract with CVHS. Denise Wheeler spoke about a recent dog incident and even if Denise captured the animal that bit someone, it would not have been able to go to the Humane Society. Ann Ward reported a biting animal has to be quarantined in the town in which it had bitten for ten days then CVHS can take the animal if it remains a stray. Some towns have arrangements with local vet clinics to hold quarantined animals but it can be costly. CVHS does loan crates to hold dogs but they still need to be cared for. Ann Ward will schedule a tour of the facility for the Selectboard and Animal Control Officer and to get the magic code to allow 24-hour access to drop off stray animals. Rose Pelchuck inquired about the latest revised Draft Dog Ordinance. Ann Ward noted that even the best Dog Ordinance is very challenging and suggested incorporating really good charges for cost reimbursements from pet owners. The town can request in writing a list of dogs that have been picked up and later returned to their owners after running stray (only if the

owner claims the dog). This enables the town to check rabies vaccine and licensing records and can help recoup some of the town expenses toward the annual bill to CVHS.

Kellogg Hubbard Library Budget Request – Richard Bidnick, new Library Director of the library, and Marialisa Calta came before the Selectboard to provide the Selectboard with their appropriation request for FY 2014 in the amount of \$27,950.00. The new library director was charged with devising a new funding formula to replace the former one put in place some years ago, that was somewhat inequitable and has now expired. A new database was put in last fall that can track how many patrons use the library by town. The new formula included a little cost of living increase and makes it more fair and equitable. The cardholder cost of \$25.00 per person is the new formula (about the cost of one hardcover book) and Calais has 1,116 library cardholders. This is lower than what a paid patron card costs at \$40.00. Marialisa Calta, Calais representative on the Board, reported for the first 100 years the library never asked for any funds. 61% of their funds do come from endowments and fundraising with no federal or state funds. Scott Bassage stated his support for the library and wants to be sure the database is up to date.

North Calais Retaining Wall Project – Chris Cochran, resident whose property abuts the retaining wall, provided a brief history of the two-part project, part one of which was completed in 2011. Rick DeWolfe, P.E., voluntarily designed the project and estimated the cost back in 2011. Rick has recently updated the probable construction cost for the project. Total estimated construction cost is \$122,789.00 and the town share would be \$12,279.00. The town would apply for a VAOT Structures Grant that pays 90% of the cost and the town share is the remaining 10% of the cost. Road Commissioner, Alfred Larrabee, is really concerned about the project going through with higher priorities in town. Alfred noted the road is narrow and structures grant funds would serve a road better that has a current weight restriction. Alfred does not think this is a wise place to put money. The walls intention is to support the road and Alfred doesn't see the wall falling in the road. Alfred suggested asking the Selectboard for their input.

Chris Cochran replied noting rocks shift and when it fails, it will fall. The people in the village are anxious to get it finished. Rick DeWolfe reviewed the plans and stated, "the wall is clearly within the town's right-of-way and it is failing". Rick said he can't disagree with Alfred that there are other structures in town that need work. Mike Garand asked about having the information on all the projects and that would allow the town to prioritize projects. Rick DeWolfe said we should have a Capital Improvement Plan to plan highway projects. John Brabant inquired about guardrails. Rick DeWolfe said that there are numerous type and styles available and you don't need to keep with the same old "W-type" guardrails.

Woodbury Fire Department – Stephen Morse President and Paul Cerutti, Chief presented the annual budget request to the Selectboard. Denise Wheeler inquired about dispatching costs since Calais contributes in the EMFD and WFD budgets and also pays a separate bill sent directly to the town. Paul Cerutti said each town receives a bill for dispatching services. The Town of Woodbury was previously paying their own dispatching services bill and this year WFD took it on to include in their budget. John Brabant summarized the history of trying to sort out what Calais pays and to whom. Toby Talbot will contact Chris Alger at Capital West to clarify dispatching service billing.

John Brabant asked Paul Cerutti as a courtesy to be notified when WFD gets rid of a truck since Calais has an interest. Woodbury Fire Department has requested funds for their truck replacement fund for \$12,875.00, which will be a separately warned article. These funds will be used to pay the annual lease payment. WFD anticipates the next truck to be purchased will be 10-15 years down the road. The budget request is \$21,291.00 for fiscal year 2014. The Selectboard thanked Stephen and Paul for their efforts providing fire protection to Calais.

Revised Draft Dog Ordinance - Garrett Baxter, Esq. from VLCT arrived at 9:00pm after being lost and stuck on Peck Hill Road. Denise Wheeler reported there was not any public comment about the Draft Dog Ordinance. Garrett Baxter answered a few questions about stray dogs. Garrett said there is a "Running at Large Law", Title 20 details when a dog is not under owner's control or "loose". He said it comes down to enforcement; avoiding a public health risk is to enforce against running at large. Denise Wheeler will review the fines in the proposed dog ordinance.

Town Meeting Warning Review – Denise Wheeler will ask The Town Moderator, Gus Seelig, if he is

willing to serve another term. The Selectboard reviewed the Warning articles as amended by Town Clerk, Donna Fitch. Donna Fitch reported escrow companies use the same company that she uploads data to so there should not be any issue regarding the two equal payments of property taxes as proposed for this year. Alfred Larrabee reported the estimate for shim coating one mile of County Road is \$33,250.00 (if we don't get a grant to repave the last 1.1 miles). Pike Industries quoted \$210,000.00 to grind and put down 3" of new blacktop. The town share will be \$42,000.00 (state highway grant pays 80% and town match is 20%). The amount to be paved is a bit more than one mile so Toby Talbot offered to calculate the exact amount for the Warning.

The Selectboard and Road Commissioner had a lengthy discussion about the best use of highway funds, including state highway grant funds, and which road projects are highest priorities. Alfred Larrabee reported five priority projects as follows with the second phase of the North Calais Retaining Wall Project last on his list:

- 1.) Stone culvert on Martin Road: cost estimate \$40,000. It has large, flat stones with minimal gravel over the top of it. John Brabant said, "I thought we said to lay a steel plate over the top some time ago". Alfred stated he is more interested in a permanent fix.
- 2.) Steel culvert on Max Gray Road: cost estimate \$30,000.00. It is a short way above the one-way bridge.
- 3.) George Road 6-foot culvert: cost estimate \$45,000.00. Alfred said it has been overtaken many times with heavy rains.
- 4.) Culvert on Center Road in Adamant, which already has the hydro studies done. Alfred noted he is very happy with the engineering work done by Doug Newton in the past. The Selectboard directed Alfred to have Doug Newton write up grant paperwork for all these projects and if we don't get the state highway grants this year, we will still have the data on file.
- 5.) Laid-up stone culvert on Upper Road: cost estimate \$95,000.00. This road has a stone bridge and vehicle weight restriction of five tons. It is near the little waterfall where it joins North Calais Road. It is very deep, will require engineering work and very involved stonework to complete.

In Alfred's opinion, these above outlined projects are more crucial than the retaining stonewall in North Calais. For the Singleton Road culvert replacements, he was able to put two culverts on one grant. Alfred will ask Tom Anderson, District 6 Engineer, if that is acceptable to do again. Alfred said the culvert job on Max Gray Road can probably be done out of the regular Highway Budget.

Cemetery Commission is meeting Wednesday; discussed buying more land for the Hudson Cemetery on Lightening Ridge Road. Other warning articles were reviewed. The appropriation request for the Montpelier Senior Center will be a separate article.

New Road Grader Prices – Alfred Larrabee provided the following price quotes to purchase a new road grader for the town.

Brand Name	Quote	Interest Rate for 10 yrs.	Trade in for 1968 grader	Trade in for 1997 grader	Comments
CAT	\$345,000.00	3.2%			Enormous price & dislikes the control system
CR Woods Volvo	\$238,695.00		\$17,5000.00	\$83,000.00	
John Deere	\$256,000.00	3.7%	\$15,000.00	\$85,000.00	

Alfred said other people might be interested in the old 1968 grader for \$25,000.00 rather than trading it in. Alfred would like to keep the 1997 grader for a spare if possible

Other Business: Alfred Larrabee suggested putting money away to dig up the underground tanks at the town garage. The Selectboard told Alfred to get an estimate in order to evaluate how much it will cost when they have to pull them out. VLCT grant matching funds for \$2,500.00 for anything safety related will be added as a line item.

Toby Talbot made a motion to adjourn at 10:15pm. The motion was seconded, voted and carried 5-0.

Respectfully submitted,

Rose Pelchuck  
Administrative Assistant